

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB - 6 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SONOMA SPRINGS LIMITED
PARTNERSHIP, a Nevada limited partnership,
and SONOMA SPRINGS ASSOCIATES, LLC,
a Nevada limited liability company,

Plaintiffs,

v.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland Corporation and
ZURICH AMERICAN INSURANCE
COMPANY, a Maryland Corporation and DOES
1-20, inclusive,

Defendants.

Case No.: 3:18-CV-0021-LRH-CLB

**STIPULATION AND ORDER TO
REOPEN OR FURTHER EXTEND
DISCOVERY FOR LIMITED PURPOSES
AND TO EXTEND DEADLINE FOR
PROPOSED JOINT PRETRIAL ORDER**

(THIRD REQUEST)

Plaintiffs, SONOMA SPRINGS LIMITED PARTNERSHIP and SONOMA SPRINGS ASSOCIATES, LLC, (hereinafter collectively "Plaintiffs"), by and through their counsel of record, JAMES W. PUZEY, ESQ. and AUDREY DAMONTE, ESQ., of HOLLEY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON, and Defendants, FIDELITY AND DEPOSIT COMPANY OF MARYLAND and ZURICH AMERICAN INSURANCE COMPANY¹, (hereinafter collectively "Defendants") by and through their counsel of record, DAVID SLAUGHTER, ESQ., of SNOW CHRISTENSEN & MARTINEAU, agree and jointly move this Court, pursuant to Rule 6(b)(1)(A) and Local Rule 7-1, to extend the deadline to file a proposed

¹ The parties have agreed to substitute Zurich American Insurance Company for "Zurich American Insurance Company of Illinois," misidentified in the complaint and subsequent pleadings.

1 joint Pretrial Order in compliance with Local Rules 16-3 and 16-4 (“ Pretrial Order”) from
2 February 14, 2020 to May 15, 2020. (The Court earlier approved the parties’ stipulations to reopen
3 discovery for limited purposes and to extend the deadline for the proposed joint Pretrial Order.
4 (ECF Nos. 78 and 80). Additional depositions are or will be scheduled and several *subpoena duces*
5 *tecum* have been or will be served in the related State Court Case more particularly discussed
6 below, during the period of extended discovery. Consequently, the parties reasonably require
7 additional time to properly and accurately identify all of the factual and legal issues, exhibits and
8 witnesses (and any objections thereto) that are required to be included in the proposed joint Pretrial
9 Order.

10 As the Court is aware, there is a Sixth Judicial District Court (Nevada) case between the
11 contractor Ascent Construction, Inc. (Plaintiff/Counterdefendant) and Sonoma Springs Limited
12 Partnership (Defendant/Counterclaimant) Sonoma Springs Associates, LLC (Defendant), Case
13 Number CV 21,053, Dept. II, pending before the Honorable Michael R. Montero (“State Court
14 Case”). The State Court Case involves issues that likely overlap with issues in this action. To
15 expedite discovery and limit costs in both cases, the Parties agreed to share discovery in both the
16 State Court Case and this Federal case. Discovery was extended as approved under the parties’
17 stipulation as evidenced by this Court’s Orders (ECF 78 and 80), to allow additional limited
18 discovery. Thereafter, the parties in the State Court Case have agreed to the taking of additional
19 depositions and the service of several *subpoena duces tecum* of which will be shared in the Federal
20 Case pursuant to the shared discovery agreement of the parties.

21 In addition, there is a Settlement Conference in the State Court Case scheduled for March
22 20, 2020, pursuant to the mandatory settlement program of the Nevada Supreme Court and
23 triggered by the recent appeal of an Order in the underlying State Court Case. The parties to this
24 case have agreed to participate in the Settlement Conference in hopes of reaching a global
25 resolution.

26 ///

27 ///

28 ///

HOLLEY DRIGGS
WALCH FINE PUZEY STEIN THOMPSON

1 Under the circumstances, including the somewhat unusual relationship between this case
2 and the underlying State case between Sonoma and general contractor/bond principal Ascent
3 Construction, and the agreed consolidation of discovery in the two matters, as well as the
4 continuation of that consolidated discovery until February 29, 2020, there is good cause for the
5 Parties' request that they be allowed additional time to acquire and analyze the anticipated
6 additional discovery, to identify all appropriate and necessary exhibits from among the thousands
7 of documents disclosed in discovery, in order to complete their preparation of a reasonable and
8 workable proposed Joint Pretrial Order with this Court.

9 With this background, and taking into account the respective schedules of counsel, an
10 extension to May 15, 2020, is both reasonable and necessary. The additional extension serves
11 ultimately to save time and expense, while still ensuring a just determination of this action. This
12 is a legitimate reason as recognized by Rule 1 of the Federal Rules of Civil Procedure, which
13 states: "These rules . . . should be construed, administered, and employed by the court and the
14 parties to secure the just, speedy, and inexpensive determination of . . . [the] proceeding." Since
15 there is no trial date, no other deadlines will be impacted by this extension.

16 This is the third stipulation and request for an extension of time to file the proposed joint
17 Pretrial Order. Discovery will continue in the State court case through February 29, 2020, and no
18 additional requests for extensions are contemplated. The stipulation and related request to the
19 Court is being made in good faith and not for purpose of undue delay.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

Therefore, pursuant to Rule 6(b)(1)(A) and Local Rule 7-1, the Parties request that the Court extend the deadline for the parties' submission of a proposed joint Pretrial Order to and including May 15, 2020.

IT IS SO STIPULATED.

Dated February 3, 2020

Dated: February 3, 2020

**HOLLEY DRIGGS WALCH FINE
PUZEY STEIN & THOMPSON**

SNOW CHRISTENSEN & MARTINEAU

/s/ Audrey Damonte

JAMES W. PUZEY, ESQ.
AUDREY DAMONTE, ESQ.
800 S. Meadows Parkway
Suite 800
Reno, Nevada 89521
Telephone: 775 851-8700
Attorneys for Plaintiffs

/s/ David Slaughter

DAVID SLAUGHTER, ESQ.
10 Exchange Place, 11th Floor
Salt Lake City, Utah 84111

JASON W. PEAK, ESQ.
RYAN W. LEARY, ESQ.
Laxalt & Nomura, Ltd.
9790 Gateway Dr., Ste. 200
Reno, NV 89521
Attorneys for Defendants

ORDER

IT IS SO ORDERED.

DATED this 6th day of February, 2020.


UNITED STATES MAGISTRATE JUDGE